FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 5589 OF 2004.
IN
CRIMINL APPEAL NO. 1482 OF 2004 .

Abdul Rehman Mohd.Salim Nagori.... Applicant.
vs.
The State of Maharashtra. .....Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri A. Majeed Memon with Pervez Memon
for the applicant.
Shri D.P.Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 2-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P.for the State.

2. Applicant is convicted by the trial Court for having committed an offence punishable under section 489-C of the Indian Penal Code and he is sentenced to suffer R.I. for 5 years.

3. Learned Counsel appearing for the applicant submitted that there is obvious discrepancy in the statements of the panch witnesses and the investigating officer regarding the place where notes have been seized. He has further submitted that the investigating officer in his

cross-examination has admitted that no entry was made regarding the information which was received by him regarding counterfeit currency notes which were being carried by the accused. He has further submitted that the applicant has already undergone 1 year and 6 months sentence of the entire sentence.

4. In the present case, it is the prosecution case is that 20 counterfeit currency notes of Rs.500/- each were found in possession of the applicant and other accused. It is obvious that there are discrepancies in the statements of the independent witness and the investigating officer regarding the place from which notes have been recovered. In my view, prima facie case is made out for grant of bail. Applicant was on bail during trial.

5. Applicant be released on bail in the sum of Rs.10,000/- (ten thousand) with one or two sureties in the like amount. He shall, however, report to the office of the D.C.B.,C.I.D., Mumbai, twice in a month.